

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN CAROLYN SQUIRES**, on January 31, 2005
at 3:00 P.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Sen. Carolyn Squires, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Steven Gallus (D)
Sen. Rick Laible (R)
Sen. Dave Lewis (R)
Sen. Jim Shockley (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Jon Ellingson (D)
Sen. Jeff Essmann (R)

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Claudia Johnson, Committee Secretary
Transcribed by Marion Mood, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:	Confirmation Hearings: Bill Slaughter , Department of Corrections; Richard Opper , Department of Environmental Quality; Jeff Hagener , Montana Fish, Wildlife & Parks
Executive Action:	None.

SEN. MIKE COONEY, SD 40, HELENA, explained the process regarding Governor Schweitzer's nominees, stating the Committee would conduct hearings for all of the nominees, then take executive action, recommending approval or disapproval. All of the Governor's nominees would then be grouped together in one Resolution, and the others would be segregated into separate Resolutions. All Resolutions, regardless whether approval or disapproval was recommended, were reported to the Senate floor where they would stay for three days; members of the Senate had the right to ask for further segregation. If this was requested, the affected nominee would have another hearing in this Committee. Nominations of those candidates which have not been segregated again would be voted on by the full Senate. The Committee did not have the final say on any nominations; if the vote was to not confirm a nominee, it was so specified in an adverse Committee Report.

{Tape: 1; Side: A; Approx. Time Counter: 3.5}

Bill Slaughter - Director, Department of Corrections

Bill Slaughter has served as Director of the Department of Corrections since 2001. He was elected as Gallatin County Sheriff in 1991, 1994, and 1998 on the Republican ticket. He also worked as patrol division supervisor/shift commander, senior lieutenant/shift commander, detective and deputy for the Gallatin County Sheriff's Office. He graduated from Helena High School and received his bachelor's degree in social justice from Montana State University. He attended the F.B.I National Academy and the Montana Law Enforcement Academy. He is married to Renee; they have one son, Jess.

Bill Slaughter provided a written resume and a list of his accomplishments as Director of the Department of Corrections under Governor Judy Martz.

EXHIBIT(sts24a01)

{Tape: 1; Side: A; Approx. Time Counter: 10.6}

CHAIR CAROLYN SQUIRES, SD 48, MISSOULA, asked Mr. Slaughter about his vision and goals for the Department. **Mr. Slaughter** submitted a list of goals for 2006/2007. He talked about building trust between the Department and the Legislature and commended the formation of an advisory council which served to improve communications. His goals are to continue in this venue, ensuring trust, public safety, and adequate funding of public safety agencies. **Mr. Slaughter** envisioned improving crime victim awareness; he stressed accountability in terms of employees and

programs, and added that three years ago, the Department copied the definition of recidivism from the federal prison system, providing a measure to gauge the system's performance. He advocated that the Department change to reflect the types of inmates as there was a marked change in offenders: they were more likely to be women and drug addicts, and more likely to be non-dangerous offenders. **Mr. Slaughter** stated that 25% of inmates were secured in the State Prison, and 75% in community corrections such as probation and parole; the Department's efforts should be concentrated on the community corrections programs so more inmates could be moved out of the most expensive setting. He touched on Juvenile Corrections under Steve Gibson, lauding the Youth Services Program which had resulted in a drop-off of juvenile offenders. He cited ongoing efforts to change the prison culture, making it a safer place for staff as well as offenders.

EXHIBIT (sts24a02)

{Tape: 1; Side: B}

Mr. Slaughter touted a program by which 700 non-dangerous offenders were moved out of the prison into community corrections, saving the State \$10 million; he added this was an ongoing effort, diverting those who did not need to be housed in Deer Lodge to less expensive facilities like the one in Missoula.

SEN. VICKI COCCHIARELLA, SD 47, MISSOULA, was concerned about the female prison population as there seemed to be little done in terms of rehabilitation and asked **Mr. Slaughter** what he proposed to do to decrease the number of inmates, since they had been successful in Juvenile Corrections. **Mr. Slaughter** stated experience has taught that rehabilitation did not work in so-called transition centers as the juveniles were re-offending in that setting; splitting them up and placing them in highly-trained foster care was beginning to show good results.

SEN. COCCHIARELLA interrupted and restated her question with regard to reducing the number of adult female inmates. **Mr. Slaughter** stated their situation was different; even though they were mostly non-dangerous offenders, judges would send them back to prison after they had repeatedly failed probation; plans were in the works for an all-female pre-release center with visitation rights, and a 40-bed methamphetamine treatment center, followed by 6 months in a pre-release center.

SEN. COCCHIARELLA expressed frustration with Montana's prison population growing at an annual rate of 5% to 6%. **Mr. Slaughter** stated the growth in prison population was partially due to the

"Get tough on Crime" philosophy which turned misdemeanors into felonies, which carried a prison sentence. With regard to the female population, he envisioned turning the 25/75 ratio into 20/80 by moving 144 female offenders alone into community corrections, he was not sure how many male prisoners it would take.

{Tape: 1; Side: B; Approx. Time Counter: 14.5}

SEN. DAVE LEWIS, SD 42, HELENA, inquired how long Mr. Slaughter intended to remain in his present position in order to see his programs through and to ensure the money appropriated by the Legislature was spent in the way it was intended. **Mr. Slaughter** replied that Governor Schweitzer requested he stay at least through the legislative session.

{Tape: 1; Side: B; Approx. Time Counter: 17.6}

SEN. JOSEPH TROPILA, SD 13, GREAT FALLS, asked if the private prison in Shelby was planning an expansion. **Mr. Slaughter** stated the facility was meant to take the overflow from Deer Lodge, and an expansion was presented as an option. **SEN. TROPILA** wondered whether some of the regional facilities could absorb the increase. **Mr. Slaughter** agreed there were options, such as expanding or adding inmates to those regional facilities. He added that Cascade County was a viable option, as was Missoula.

SEN. RICK LAIBLE, SD 44, VICTOR, stated it took up to 17 months for meth addicts to get past their addiction; he referred to the Department's six-month program and asked if money and resources were available to implement a rehabilitation program so these offenders could leave the system and lead productive lives. He also wondered if collaboration between his Department and the education community was possible to educate kids at an early age about the dangers of meth use. **Mr. Slaughter** stated that great strides had been made with regard to educating people; with regard to the rehabilitation program, he talked about the implementation of a pilot program which kept tabs on DUI offenses and offered a therapeutic community model which lasted for 6 months and had a 72% success rate. In closing, he reiterated the planned pilot program for meth users, cautioning that nationwide, there were very few successful programs for meth addiction.

{Tape: 2; Side: A}

Richard H. Opper - Director, Department of Environmental Quality

Richard Opper served 14 years as the Executive Director of the Missouri River Basin Association, a commission comprised of governor-appointed representatives of eight states and the Indian tribes in the Missouri River Basin. The commission is based in Lewistown, Montana. Prior to that, he worked as the Executive Director for the Missoula-based Northern Lights Institute. Mr. Opper received his bachelor's degree in agricultural sciences from Oklahoma State University and his master's degree in soil science in 1979 from Montana State University. His research emphasis was in mine reclamation. He is married to Sally Mueller; they have one son, Isaac.

Mr. Opper submitted a copy of his resume and gave a brief overview of his career.

EXHIBIT(sts24a03)

He stated that the Department of Environmental Quality (DEQ) dealt with many controversial issues and was primarily a "regulator." He agreed with Montanans who feel strongly about protecting their land, air, and water resources. He also agreed that they should be able to conduct their business without being subjected to unnecessary and punitive regulations; this was part of his vision for the agency. In closing, he advised his goals included helping the agency market its services more effectively and making the agency more customer friendly.

{Tape: 2; Side: A; Approx. Time Counter: 9.5}

SEN. LEWIS stated people were dissatisfied with the DEQ because they did not work well with land developers who oftentimes did not pursue matters for fear of retribution. He suggested Mr. Opper would be well served to reach out and listen to people's concerns. **Mr. Opper** advised one of his goals was to streamline the permitting process so as not to impede development.

{Tape: 2; Side: A; Approx. Time Counter: 14.3}

SEN. LAIBLE noted the tremendous turnover in the Department's staff and asked what he would do to address this issue. **Mr. Opper** was aware of this problem, adding it had improved from 35% in 2002 to about 8% in 2004. He attributed the sharp decrease to a change in the pay plan as compensation had been a problem; another planned enhancement was additional training. Currently, the greatest turnover was in the IT department as compensation did not compare to that in other agencies. He anticipated losing

employees to retirement, as 50% of the workforce was at least 55 years old.

SEN. LAIBLE stated the perception among constituents and legislators was that the DEQ conducted a lot of clean-up studies but was not actually doing anything; he asked whether he had a specific plan for site reclamation. **Mr. Opper** stated studies were necessary to reveal the scope and location of groundwater contamination, adding that the Department had been awarded two grants, in the amount of \$300,000 each, which had not been spent because the studies were never conducted. He felt the misconception had taken hold because the DEQ's accomplishments were not marketed. He contended that through the agency's purview and oversight, 82 billion gallons of water met standards last year alone; 2.5 billion pounds of solid waste were contained through the permitting process, and several miles of Silver Bow Creek had been restored. DEQ has also been instrumental in crafting the consent decree involving the Milltown Dam in Missoula.

{Tape: 2; Side: A; Approx. Time Counter: 23.8}

SEN. COCCHIARELLA asked about his management style and organizational chart. **Mr. Opper** repeated and agreed with Nancy Peterson's statement of turning the traditional organizational chart upside down. He stressed the importance of being accessible and building relationships with staff, not only in Helena but also in the outlying offices.

{Tape: 2; Side: B}

SEN. STEVE GALLUS, SD 37, BUTTE, asked whether he thought it appropriate to have an office in Butte, given the amount of activity in Silver Bow County. **Mr. Opper** stated he had already discussed this with the Governor; it was not yet clear whether there would be a full-time staff. **SEN. GALLUS** stated his community had concerns with the arsenic contamination in most of the 3,000 historic buildings in Butte and asked what would be done to deal with this problem. **Mr. Opper** replied he was aware of this but, currently, the main concern was dealing with priority soils. He advised they had been involved in cleaning up homes in Libby, adding, a huge price tag for the clean-up of homes in Butte was anticipated but that there was no definite plan in place yet.

{Tape: 2; Side: B; Approx. Time Counter: 5.5}

SEN. TROPILA referred to his comments pertaining to the Corps of Engineers and asked whether there were any solutions in terms of Ft. Peck, the Missouri, and Mississippi Rivers. **Mr. Opper** advised the Corps of Engineers had gained a reputation for taking input from the State less seriously; there had been numerous court battles which the Corps had won, and he was worried that they would no longer listen to the DEQ. He offered to share his ideas for a solution in private.

{Tape: 2; Side: B; Approx. Time Counter: 8.9}

(CHAIR SQUIRES left the meeting; SEN. TROPILA chaired.)

M. Jeff Hagener - Director, Montana Fish, Wildlife & Parks

Mr. Hagener has served as Director of the Department of Fish, Wildlife and Parks since 2001. Prior to becoming the FWP Director, Mr. Hagener worked as an abandoned mine reclamation specialist, the resource program manager for the State of Montana, and was division administrator for the Montana Department of State Lands. He graduated from Havre High School, received a bachelor's degree in wildlife biology from the University of Montana and a bachelor's degree in agriculture from Montana State University. He is married to Debbie; they have two children.

Mr. Hagener submitted his resume and a copy of his biography as well as an outline of the agency's goals.

EXHIBIT(sts24a04)

EXHIBIT(sts24a05)

Mr. Hagener talked about the de-listing of wolves, the steps his Department had successfully taken and the roadblocks that lay ahead in trying to get Wyoming's plan approved. He expressed pride in the agency's accomplishments with regard to managing Montana's wildlife and talked about the public's acute interest in the agency. He reviewed the agency's goals with the Committee, adding a quick synopsis of bills pending before the Legislature which dealt with FWP issues. He expressed appreciation for passage of SB 336, allowing the \$4 license plate surcharge, as it secured a good source of funding; he added the first priority was catching up with maintenance before any new projects were undertaken.

SEN. COCCHIARELLA asked about the biggest problem he had to solve. **Mr. Hagener** could not think of any problem per se but stated the nature of his business required walking a fine line between doing their jobs and accommodating the public. He added

that he relied on the work of advisory committees which had been established to deal with specific issues and for the purpose of representing all constituents; these committees brought forth ideas that might result in different management or conservation plans or proposed legislation.

{Tape: 3; Side: A}

SEN. LAIBLE referred to the purchase of land or conservation easements and asked whether it was the place of government agencies such as FWP to purchase lands and remove them from the tax rolls. **Mr. Hagener** said the agency did not purchase many lands outright; Habitat Montana was approved in 1987 and land acquisitions were made back then which were key components in wildlife management areas. The agency had since moved toward conservation easements because they were more productive, in that they kept people on the land with more traditional uses, such as forestry, agriculture, or grazing. He contended that when the agency purchased conservation easements, the lands remained on the tax rolls.

(CHAIR SQUIRES returned.)

SEN. LAIBLE asked how many acres had been purchased as land or conservation easements during his tenure. **Mr. Hagener** estimated that outright land purchases were 5,000 to 10,000 acres, and conservation easements totaled 200,000 acres, which includes the single purchase of 100,000 acres from Plum Creek in the Thompson Falls area.

{Tape: 3; Side: A; Approx. Time Counter: 3.8}

CHAIR SQUIRES asked about the progress of developing a State Park in the Brush Lake area. **Mr. Hagener** advised this was studied by a local advisory commission which late last year approved the acquisition of the Brush Lake site and negotiations were completed with the landowner of the south end of the lake.

CHAIR SQUIRES referred to some of the problems hunters encountered and asked whether ranchers and other landowners were shutting out hunters. **Mr. Hagener** stated this was true in some cases; there were lands under lease provisions with outfitters or private individuals. He advised his agency had worked hard with the Block Management program and the Public Land/Private Wildlife Council in an attempt to open up some of that land; they had been able to register some success. As an example, he cited the Deerborn Ranch which had totally disallowed hunting but in the last year had granted two block management programs and allowed a limited number of people to hunt on the property.

{Tape: 3; Side: A; Approx. Time Counter: 9.2}

SEN. LEWIS stated many of his constituents were concerned with the Department's environmental assessment of the Sage Grouse issue in that it restricted ranch operations and asked Mr. Hagener for a short overview. **Mr. Hagener** advised the Department was facing listing of the birds which would have put severe restrictions on the ranchers. To keep this from happening, they identified critical areas around the birds' habitat and asked landowners if they were interested in participating in a program made possible by a Federal grant. Mr. Hagener said there were several things that could be done to mitigate or limit land use restrictions without forcing measures upon the landowners and went on to say one of the agency's main concerns was the stance taken by the BLM as they had not been open about their plans. FWP had encouraged them to become part of the State conservation planning effort, but no official statement had been issued.

{Tape: 3; Side: A; Approx. Time Counter: 13}

SEN. COCCHIARELLA expressed disappointment with the fact that the wolf issue had not been dealt with and asked how long Montana had their management plan in place. **Mr. Hagener** advised wolves were re-introduced in 1995, and Montana started working on a management plan in 1997 or 1998. In the winter of 2002, when all of the criteria had been met, the State petitioned for the de-listing. The Federal government took several months to review the plans, and finally approved Montana's and Idaho's in 2003 but disallowed Wyoming's plan. FWP had anticipated a de-listing ruling by early 2004 but it was not issued because of Wyoming.

ADJOURNMENT

Adjournment: 5:15 P.M.

SEN. CAROLYN SQUIRES, Chairman

CLAUDIA JOHNSON, Committee Secretary

MARION MOOD, Transcriber

CS/cj/mm

Additional Exhibits:

EXHIBIT ([sts24aad0.TIF](#))